



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/530,907	06/30/2000	RUDI WILFRIED JAN PAUWELS	07619.0006	4853

27777 7590 09/20/2002  
AUDLEY A. CIAMPORCERO JR.  
JOHNSON & JOHNSON  
ONE JOHNSON & JOHNSON PLAZA  
NEW BRUNSWICK, NJ 08933-7003

EXAMINER

BAKER, MAURIE GARCIA

ART UNIT	PAPER NUMBER
----------	--------------

1627

DATE MAILED: 09/20/2002

18

Please find below and/or attached an Office communication concerning this application or proceeding.



**UNITED STATES DEPARTMENT OF COMMERCE**  
**Patent and Trademark Office**  
**COMMISSIONER OF PATENTS AND TRADEMARKS**  
Washington, D.C. 20231

DEA/FCE-1994

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
09/530,907	06/30/00	PAUWELS et al	TIBO:002

EXAMINER	
Maurie Garcia Baker, Ph.D.	
ART UNIT	PAPER NUMBER
1627	18

DATE MAILED:

**Please find below a communication from the EXAMINER in charge of this application**

Commissioner of Patents

Please see attached Notice of Non-Responsive Amendment.

## DETAILED ACTION

### *Notice of Non-Responsive Amendment*

1. The reply filed June 20, 2002 is not fully responsive to the prior Office action because of the following omission(s) or matter(s):

The Restriction Requirement mailed April 24, 2002 required election of a single invention from Groups I – III and a **further election of species** depending on the Group elected. Applicant elected Group I for examination with traverse in their response. Group I contained a requirement of election of species from four subgroups, as follows (copied from Restriction Requirement, paragraph 15):

*If applicant elects the invention of **Group I**, applicant is required to elect from the following patentably distinct species. Please elect one species from each subgroup below.*

**Species of solid support**

*Applicant is required to elect, for purposes of search, a specific species of solid support from those set forth in the claims. For example, solid support is a detector; solid support is a film or tape; solid support is a compact disk, etc.*

**Species of analyte (e.g. claim 29)**

*Applicant is required to elect, for purposes of search, a specific species of analyte to be screened.*

**Species of semi-solid or liquid medium**

*Applicant is required to elect, for purposes of search, a specific species of semi-solid or liquid medium.*

**Species of target (e.g. claim 33)**

*Applicant is required to elect, for purposes of search, a specific species of target.*

Applicant has elected various species; however the election is not deemed to be fully responsive because the species of solid support is set forth in generic terms (Applicant elected “polymer solid support”). The examiner specifically required an election of a *specific species* (see above). Thus, an election of one specific species is required. Moreover, applicant’s generic election creates confusion regarding which of the instant claims read on the elected species. That is, since the species of solid support is not elected specifically, it is unclear whether (or how) claims such as 5 & 26 directed to shape of the support and claims such as 6, 7, 9, 17 & 19 with respect to properties of the support read on the election. Again, an election of a single, specific species is required.

However, the examiner notes that the elected species for the other subgroups is sufficient to meet the requirements. Also note that the traversal will be completely addressed in the action that follows applicant’s fully responsive election.

2. See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Maurie Garcia Baker, Ph.D. whose telephone number is (703) 308-0065. The examiner can normally be reached on Monday-Thursday and alternate Fridays from 9:30 to 7:00.

4. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew J. Wang, can be reached on (703) 306-3217. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-4242. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0196.

Maurie Garcia Baker, Ph.D.  
September 18, 2002

A handwritten signature in black ink, appearing to be 'MB' followed by a long horizontal stroke.

**MAURIE GARCIA BAKER, Ph.D.  
PATENT EXAMINER**